

AG Contract No KR00 2122TRN
ADOT ECS File No JPA 00-181
Project: HX111 01C
Section: SR-89A @ Robert Road (MP 323 3)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE TOWN OF PRESCOTT VALLEY

THIS AGREEMENT is entered into 11 January, ~~2000~~ ²⁰⁰¹, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the TOWN OF PRESCOTT VALLEY, acting by and through its MAYOR and TOWN COUNCIL (the "Town")

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The Town is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the Town.

3. The State and the Town desire to participate in the design, construction and maintenance of a new warranted traffic signal at the intersection of SR-89A and Robert Road (MP 323 3), at an estimated cost of \$120,000.00, hereinafter referred to as the Project, for the safety and benefit of the traveling public.

THEREFORE, in consideration of the mutual covenants expressed herein, it is agreed as follows:

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NO 24422
Filed with the Secretary of State
Date Filed 01/11/2001
Peterson Bayless
Secretary of State
By Dicky D. Gruenewald

II. SCOPE

1 The State will:

a. Provide to State standards design plans, specifications and such other documents and services required for construction bidding and construction. Incorporate or resolve Town review comments.

b. Call for bids and award one or more construction contracts for the project. Administer same and make all payments to the contractor(s). Be responsible for one half of the cost of the Project, in an amount currently estimated at \$60,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

d. Upon completion, approve and accept the signal project on behalf of the parties hereto, and provide maintenance to the signal Project.

2. The Town will:

a. Review the design documents and provide comments

b. Be responsible for one half of the cost of the Project, in an amount currently estimated at \$60,000.00, and for its proportionate share of any cost increases, and for any contractor claims for extra compensation due to delays or whatever reason attributable to the Town. Within thirty days after receipt and approval of an invoice, pay the State \$60,000.00 as the Town share of the signal Project.

c. Upon completion and acceptance of the signal Project by the State, provide electrical energy to operate the signal, and grant the State perpetual right of entry access outside the State right-of-way as required to perform maintenance of pavement markings and loop detectors.

III. MISCELLANEOUS PROVISIONS

1 This agreement shall remain in force and effect until completion of said project and reimbursements; provided, however, that this agreement, except any provisions for maintenance and electrical energy, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2 This agreement shall become effective upon filing with the Secretary of State.

3 This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5 In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6 All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

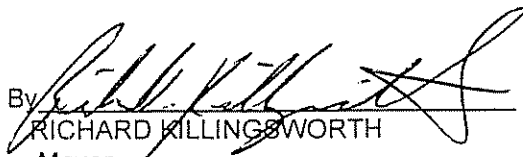
Town of Prescott Valley
Town Manager
Box 25456
Prescott Valley, AZ 86312

7 Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

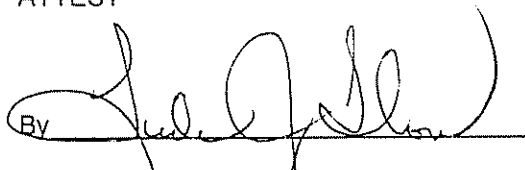
TOWN OF PRESCOTT VALLEY

STATE OF ARIZONA
Department of Transportation

By 
RICHARD KILLINGSWORTH
Mayor

By 
MICHAEL P. MANTHEY
State Traffic Engineer

ATTEST

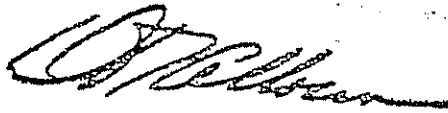
By 
Town Clerk

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RESOLUTION

BE IT RESOLVED on this 24th day of October 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the Town of Prescott Valley for the purpose of defining responsibilities for the design, construction, maintenance and operation of a new traffic signal at SR-89A and Robert Road.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.

A handwritten signature in dark ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING MINUTES
NOVEMBER 16, 2000

Call to Order – The meeting was called to order by Mayor Killingsworth at 7:00 pm at the Magistrate Court. Present were:

Richard Killingsworth	Mayor
Jay Fagelman	Vice-Mayor
Eunice Conner	Council Member
Chuck Ables	Council Member
Mike Flannery	Council Member
Fran Schumacher	Council Member
Marilyn Rabideau	Council Member

Announcements – Interim Chief Joe Cappelli read a letter of appreciation that was submitted from the supervisors from the Police Department. Mayor Killingsworth recognized Anthony Mortillaro, Town Manager, for his assistance. Jean Knight, President of Prescott Valley Chamber of Commerce and staff thanked the Council for their support of the Valley of Lights. Lew Rees from the Chamber of Commerce thanked the Mayor and Council for supporting the Festival of Lights and seeing the vision. Yavapai Soccer League donated \$1,500 to assist with the lighting at Mt. Valley Park ball field, and the players presented t-shirts to the Council. Councilmember Flannery commended Chris O'Brien on the Town News newsletter. Resident from Prescott Ridge announced a meeting at the Yavapai County Board of Adjustment and Appeals Thursday, December 7th at the County Administration building on Fair Street in Prescott. He encouraged everyone to attend to show their support of the opposition of the asphalt and concrete batch plant. Members of the Boy Scouts were present to work on their requirement for a communications badge.

Consent Agenda – Moved by Councilmember Schumacher, seconded by Vice-Mayor Fagelman to accept Consent Agenda. Motion unanimously approved by all members voting "aye"

Presentation of a twenty-year award to John Fischer, Public Works Department – Mr. Fischer is the first recipient of a twenty-year award. Mayor Killingsworth presented Mr. Fischer with a Certificate of Appreciation, and a gift certificate for \$400.00. Several members of his family were present and presented him with a cake.

Presentation of Safety Awards to the Public Works Department employees – Larry Tarkowski presented safety awards to his staff.

Consideration of approving the re-appointments of Bill Fessler and Paul Buck to the Public Safety Personnel Retirement Board for terms expiring December 31, 2004 – Moved by Councilmember Ables, seconded by Councilmember Flannery to approve the

Director, explained that every four years since 1981 the Town has voted on an alternative expenditure limitation. This is a requirement by state law unless the municipality asks for a permanent base adjustment.

Bob Ott, 9620 Glencove Circle, indicated he does not believe we should allow the State to direct our budget, and expressed confidence in the Council and staff to do the what's right.

Lenny Lambert, 7040 E. Manley Drive, inquired if it goes to the state control do the citizens get to vote on it four years from now or do we then lose that option. Mrs. Thorson indicated it does go to the vote of the citizens every four years.

Mayor closed the Public Hearing.

Second reading of Ordinance No. 492, amending the Town Zoning Map to change the zoning classification of Lots 17 – 20, Prescott Valley Business Park, from M1 (Industrial: General Limited) to PM (Performance Manufacturing) Zoning (ZMC00-08) – No staff report was given. Mayor Killingsworth instructed the Town Clerk to read Ordinance No. 492 by title only for the second reading. Ordinance passed by all members voting “aye”

Consideration of approving Resolution No. 985, approving and adopting a Final Development Plan for development of a 15,000 square foot retail building on 1.8 acres between Florentine Road and SR 69 for a Walgreen's Drug Store – Richard Parker, Community Development Director, indicated the building has a southwest motif Councilmember Schumacher questioned the drive thru feature, and Mr Parker explained this is for the purpose of picking up prescriptions. Moved by Councilmember Ables, seconded by Councilmember Schumacher to authorize the Mayor or in his absence the Vice-Mayor to sign Resolution No. 985, adopting the Final Development Plan 00-15 Motion unanimously approved by all members voting “aye”

Consideration and discussion of general unscheduled comments from the public. Those wishing to address the Council need not request permission in advance. Any such remarks shall be addressed to the Council as a whole and not to any member thereof. Such remarks shall be limited to (5) minutes unless additional time is granted by the Mayor.

At the conclusion of the unscheduled comments, individual members of the Council may respond to the items addressed at the direction of the Mayor, or they may ask staff to review the matter or ask that the matter be placed on a future agenda.

Lenny Lambert indicated she was proud of the turn out at the recent election. Mayor Killingsworth indicated the Town has an up-coming election March 13th to elect the positions of Mayor and two council seats, and he, Vice-Mayor Fagelman and Councilmember Conner have pulled papers.

Adjournment

JPA 00-181

APPROVAL OF THE PRESCOTT VALLEY TOWN ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the TOWN OF PRESCOTT VALLEY and declare this agreement to be in proper form and within the powers and authority granted to the Town under the laws of the State of Arizona.

DATED this 17th day of November, 2000.

Don Legler

Town Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

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FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-2122TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED January 5, 2000.

JANET NAPOLITANO
Attorney General

SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

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